

28 influence of alcohol, any drug, or combination of them to a degree that renders the person
29 incapable of safely driving a motor vehicle as prohibited in Section 41-6-44 or as prohibited in
30 an ordinance that complies with the requirements of Subsection 41-6-43(1);

31 (iii) driving or being in actual physical control of a motor vehicle while having a blood
32 or breath alcohol content prohibited in Section 41-6-44 or as prohibited in an ordinance that
33 complies with the requirements of Subsection 41-6-43(1);

34 (iv) perjury or the making of a false affidavit to the division under this chapter, Title
35 41, Motor Vehicles, or any other law of this state requiring the registration of motor vehicles or
36 regulating driving on highways;

37 (v) any ~~[offense punishable as a]~~ felony under the motor vehicle laws of this state;

38 (vi) any other felony in which a motor vehicle is used to facilitate the offense;

39 (vii) failure to stop and render aid as required under the laws of this state if a motor
40 vehicle accident results in the death or personal injury of another;

41 (viii) two charges of reckless driving committed within a period of 12 months; but if
42 upon a first conviction of reckless driving the judge or justice recommends suspension of the
43 convicted person's license, the division may after a hearing suspend the license for a period of
44 three months;

45 (ix) failure to bring a motor vehicle to a stop at the command of a peace officer as
46 required in Section 41-6-13.5;

47 (x) any offense specified in Part 4 of this chapter that requires disqualification;

48 (xi) discharging or allowing the discharge of a firearm from a vehicle in violation of
49 Subsection 76-10-508(2);

50 (xii) using, allowing the use of, or causing to be used any explosive, chemical, or
51 incendiary device from a vehicle in violation of Subsection 76-10-306(4)(b);

52 (xiii) operating or being in actual physical control of a motor vehicle while having any
53 measurable controlled substance or metabolite of a controlled substance in the person's body in
54 violation of Section 41-6-44.6; and

55 (xiv) operating or being in actual physical control of a motor vehicle while having any
56 alcohol in the person's body in violation of Section 53-3-232.

57 (b) The division shall immediately revoke the license of a person upon receiving a
58 record of an adjudication under Title 78, Chapter 3a, Juvenile Courts, for any of the following

59 offenses:

60 (i) discharging or allowing the discharge of a firearm from a vehicle in violation of
61 Subsection 76-10-508(2); and

62 (ii) using, allowing the use of, or causing to be used any explosive, chemical, or
63 incendiary device from a vehicle in violation of Subsection 76-10-306(4)(b).

64 (c) Except when action is taken under Section 53-3-219 for the same offense, the
65 division shall immediately suspend for six months the license of a person upon receiving a
66 record of conviction for any of the following offenses:

67 (i) any violation of:

68 (A) Title 58, Chapter 37, Utah Controlled Substances Act;

69 (B) Title 58, Chapter 37a, Utah Drug Paraphernalia Act;

70 (C) Title 58, Chapter 37b, Imitation Controlled Substances Act;

71 (D) Title 58, Chapter 37c, Utah Controlled Substance Precursor Act; or

72 (E) Title 58, Chapter 37d, Clandestine Drug Lab Act; or

73 (ii) any criminal offense that prohibits:

74 (A) possession, distribution, manufacture, cultivation, sale, or transfer of any substance
75 that is prohibited under the acts described in Subsection (1)(c)(i); or

76 (B) the attempt or conspiracy to possess, distribute, manufacture, cultivate, sell, or
77 transfer any substance that is prohibited under the acts described in Subsection (1)(c)(i).

78 (2) The division shall extend the period of the first denial, suspension, revocation, or
79 disqualification for an additional like period, to a maximum of one year, upon receiving:

80 (a) a record of the conviction of any person on a charge of driving a motor vehicle
81 while the person's license is denied, suspended, revoked, or disqualified;

82 (b) a record of a conviction of the person for any violation of the motor vehicle law in
83 which the person was involved as a driver;

84 (c) a report of an arrest of the person for any violation of the motor vehicle law in
85 which the person was involved as a driver; or

86 (d) a report of an accident in which the person was involved as a driver.

87 (3) When the division receives a report under Subsection (2)(c) or (d) that a person is
88 driving while the person's license is denied, suspended, disqualified, or revoked, the person is
89 entitled to a hearing regarding the extension of the time of denial, suspension, disqualification,

90 or revocation originally imposed under Section 53-3-221.

91 (4) (a) The division may extend to a person the limited privilege of driving a motor
92 vehicle to and from the person's place of employment or within other specified limits on
93 recommendation of the trial judge in any case where a person is convicted of any of the
94 offenses referred to in Subsections (1) and (2) except:

95 (i) automobile homicide under Subsection (1)(a)(i);

96 (ii) those offenses referred to in Subsections (1) (a)(ii), (a)(iii), (a)(xi), (a)(xii), (a)(xiii),
97 (1)(b), and (1)(c); and

98 (iii) those offenses referred to in Subsection (2) when the original denial, suspension,
99 revocation, or disqualification was imposed because of a violation of Section 41-6-44, Section
100 41-6-44.6, a local ordinance which complies with the requirements of Subsection 41-6-43(1),
101 Section 41-6-44.10, or Section 76-5-207, or a criminal prohibition that the person was charged
102 with violating as a result of a plea bargain after having been originally charged with violating
103 one or more of these sections or ordinances.

104 (b) This discretionary privilege is limited to when undue hardship would result from a
105 failure to grant the privilege and may be granted only once to any individual during any single
106 period of denial, suspension, revocation, or disqualification, or extension of that denial,
107 suspension, revocation, or disqualification.

108 (c) A limited CDL may not be granted to an individual disqualified under Part 4 [~~of~~
109 ~~this chapter~~], Uniform Commercial Driver License Act, or whose license has been revoked,
110 suspended, cancelled, or denied under this chapter.

Legislative Review Note
as of 2-5-03 9:22 AM

A limited legal review of this legislation raises no obvious constitutional or statutory concerns.

Office of Legislative Research and General Counsel